**GOLD BRIEF - Regime Delivery from 17 May 2021 including Stage 2 Gateway**

**Purpose**

The 17 May marks the next step in the community roadmap and the easing of some restrictions in England and Wales.

In England this includes the re-introduction of the rule of 6 indoors, the re-opening of indoor hospitality and leisure facilities and a revision to the close contact rules for people who are close friends and family. We expect further, more detailed advice on this to follow.

In Wales this signals a move to alert level 2 which also includes the opening of indoor hospitality for groups of up to 6 people from different households but no changes to restrictions on household mixing or physical contact.

This briefing is to update you on the implications of those changes for prison regimes, and is split into two key sections:

1. Changes to Stage 3 Regime Delivery from 17 May
2. Opening of the Stage 2 Gateway and information of the mechanics for Stage 2 Progression.

**1) Changes to Stage 3 Regime Delivery from 17 May**

Following the Prime Minister’s announcement on 10 May about the easing of social distancing rules in England, we have been working to understand the impact that changes will have in our establishments.

Despite the changes to the rules in the community, England is at alert level three and Wales is at alert level two, signalling that COVID-19 is still in general circulation. The high-risk nature of our settings, and the speed at which the virus can spread within prisons means we receive Public Health advice which is tailored specifically for prisons to help us keep staff and prisoners safe. Therefore, we cannot always reduce restrictions at the same pace as the community and must proceed at a pace which matches our risk.

We continue to have a statutory exemption in England that means we do not have to mirror changes in the community in recognition of our unique environment and the fact that any outbreaks will spread far quicker in prisons than the community, but the lifting of restrictions in the community from 17 May does mean that there are some changes to what can be delivered in a Stage 3 regimes and it is important that we consider the legitimacy of our restrictions. Please note that establishments at Stage 4 should not be lifting regime restrictions until approval has been granted for a move to Stage 3 but may wish to note the following updates when planning for progression when the time is right.

* **Physical Education** – Since the PE EDM was first developed there have been significant developments to government guidance in relation to sport and physical activity during national restrictions. Therefore, the EDM has been updated to bring the guidance in line with these updates. Along with this update, the Structured Physical Activity guidance which was previously published is now rescinded, and sites should refer to the new EDM to plan their PE delivery. Prisons are not expected to gain additional sign off for this updated EDM but should align PE delivery and ensure LOP’s and risk assessments are reviewed and updated with consultation with recognised Trade Unions.

**Cross Site Working** – The Cross Site Working guidance and Detached Duty guidance are currently being updated in line with the relaxation of restrictions in the community. Once consultation has concluded, it will be published and shared with establishments. Public Health colleagues continue to advise that wherever possible we should compartmentalise where staff work in prisons and continue to seek high levels of staff testing.

* **ROTL –**With effect from 17 May establishments that are approved to offer ROTL as part of their regime activity may seek to expand their ROTL offer to include releases to private addresses, including overnight release. Progression to overnight release should generally be incremental and must be underpinned by a full risk assessment.

Further updated guidance relating ROTL recovery planning and compliance to community guidelines can be found in EDM 27.2 which applies to all ROTL types [EDM 6 has been withdrawn]. Governors are reminded that restrictions in Northern Ireland, Scotland and Wales may differ and risk assessments must ensure COVID-19 compliance for the country in which the ROTL takes place. EDM 27.2 provides signposting for further advice where required.

* **Regime Group sizes** – the announcement made by the Prime Minister on household mixing and social distancing does not signal an automatic increase to the size of regime groups. Establishments should continue to operate the same size groups and limit the mixing of groups whilst operating Stage 3 or 4 regimes. The point at which an establishment is given approval to progress to Stage 2 is when regime group size should be considered, subject to further local risk assessments.
* **Social Visits** – We are currently running social visits testing pilots at a small selection of prisons, and we are actively exploring how we can utilise the findings of these pilots to improve the experience of social visits for both prisoners and visitors in the future. This work includes looking at how we may be able to safely facilitate physical contact between prisoners and visitors where this is permitted under community restrictions, particularly prisoners and their children, and re-open refreshments facilities. We will publish further guidance on this as soon as we are able to but ask establishments to keep delivery in line with the existing EDM until anything further is shared. We understand that this will be frustrating for establishments, prisoners and their families who are eager to be able to have physical contact with their loved ones in light of the community announcement in England, but in order to ensure that we keep our staff and those in our care as safe as possible, we must proceed at our own pace.
* **COVID-19 Controls –** As restrictions in both the community and within establishments are eased, it is critically important that establishments, staff and prisoners remain aware of the importance of remaining COVID-19 controls. Hand hygiene, social distancing, compartmentalisation, cleanliness of establishments, participation in testing and the delivery of vaccinations remain important and it is crucial that we do not allow standards to slip as we further ease restrictions. Governors are encouraged to do all they can to encourage testing uptake from both staff and those in custody and to reinforce messaging that, as restrictions lift, testing, vaccinations and COVID-19 controls will be crucial to maintaining safety and ensuring that we do not need to reverse regimes and go back into outbreak. The HMPPS Face Mask and Face Covering strategies for staff and prisoners will remain in place and there is no plan to rescind these within the foreseeable future.

All staff and prisoners should be reminded of our personal responsibility to follow the rules, even as restrictions begin to lift. The risk of COVID-19 remains, and we must do all we can to keep each other safe as we open up.

**2) Stage 2 - Gateway Decision and Mechanics for Progression**

**We have now received Ministerial permission to re-open the Stage 2 gateway for sites currently delivering Stage 3 Regimes**. This does not mean that establishments can automatically progress to Stage 2 - establishments must continue to deliver their current level of regime until they are given approval to progress to Stage 2.

In line with the National Framework, Stage 2 signals a move towards greater local decision making. Guidance has previously been shared which sets out what regime delivery at Stage 2 will look like and this is available via the following [link](https://hmppsintranet.org.uk/ersd-guidance/stage-2/). EDMs will continue to set out the baseline for delivery but Governors and establishments will be able to go further, underpinned by a Local Recovery Plan informed by the national recovery priorities, whilst maintaining Covid-19 controls and remaining in line with community restrictions. Establishments should continue to use a localised approach, balancing regime delivery with the need to address key backlogs.

We have built on the learning gained from the Stage 3🡪2 progression process and will utilise existing governance structures to ensure that progression can be done in a timely and efficient manner, with the amount of additional work for establishments kept to a minimum, and the level of bureaucracy minimised as much as possible. There will be less involvement from GOLD, and instead responsibility for progression to Stage 2 moves to PGDs with oversight given by Executive Directors.

At Stage 2 however, key Covid-19 mitigations and controls will need to be maintained. The weekly Gold Heatmap Panel therefore will continue to operate and provide a national intelligence function in identifying areas and/or establishments of particular concern. It will do this using a RAG rating of establishments. This will both guide compartmentalisation requirements and regime delivery. The ratings will be informed by outbreak or watchlist concerns, where there are concerns about local community prevalence rates or a variant of concern, or where there are concerns about vaccination or testing rates for staff or prisoners.

From the 17 May, establishments with either a **Green or Amber RAG rating** from the Heatmap panel will be able to begin the process of progressing to Stage 2. They will be required to complete a local readiness assessment checklist (Annex A) which must be approved by the PGD and signed off by the Executive Director before progression can occur. **Red** rated sites cannot progress further than their current regime stage and if newly rated Red the Governor should review their regime due to the raised risk - though they do not need to automatically regress their regime a full regime stage.

The Stage 2 checklist will ensure that the key factors that influence the decision whether progression is suitable have been considered. It also highlights the Covid-19 infection control measures that must be maintained in Stage 2 and requires that establishments are demonstrating continued engagement with local recognised Trade Union representatives and local Health partners. Whilst applications will not need to be signed off centrally, progression **must** be reported to Gold once approved to allow for central oversight and assurance.

Establishments will be expected to develop a Local Recovery Plan (LRP) which will contain an assessment of the local backlogs that require addressing and a strategy for delivering a consistent regime while addressing some of these backlog areas. A template of the plans is not provided as the scale, nature and resources required to address these backlogs will be unique to each establishment and so it is expected that local plans will be quite different and reflect local circumstances around resource and need. Many will already have local plans in place that set out these plans. Guidance on what should be included in an LRP is attached at Annex B. LRPs will also be iterative and should be kept up to date so that they can be used to monitor progress of recovery at the establishment.

The checklist and LRP for Stage 3🡪 2 progression also provides the foundations for the progression process for Stage 2 🡪 Stage 1 and establishments are therefore encouraged to keep these up to date. More information on the progression process to Stage 1 will be shared in due course.

Recovery from the pandemic and regime progression will continue to be gradual, and it will be some time before large numbers of establishments are in a position to progress but establishments will be able to progress when the time is right, and the COVID-19 risk is suitably controlled.

**Re-introduction of Restrictions.**

Whilst we will utilise forecast data to minimise this scenario as much as possible, it may be possible that the risk picture at a site may worsen following a site’s progression to Stage 2. A new Red RAG rating should trigger a local review of the regime and as ever Governors should act to respond to local risk. Existing mechanisms for regime regression will continue to be operated where required and will be fully controlled by the Governor with PGD oversight and Gold approval. HMPPS will also continue to operate system wide surveillance of all reported communicable diseases in establishments. This may lead again to further national intervention if the risk picture nationally requires an estate-wide approach. Communications with both staff and those in custody should be open about this possibility and continue to structure expectations with reference to infection levels.

**Please contact** **COVID19.RegimesOpsGuidance1@justice.gov.uk** **with any queries or questions.**

**Annex A**

 

**Annex B**

